

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00237-MR-DLH

**CHARLES H. TAYLOR and
ELIZABETH O. TAYLOR,**

Plaintiff,

VS.

FEDERAL DEPOSIT INSURANCE CORPORATION, Receiver of Blue Ridge Savings Bank, Inc. and BANK OF NORTH CAROLINA,

Defendants.

ORDER

THIS MATTER is before the Court on the Motion to Dismiss filed by Defendant Federal Deposit Insurance Corporation (FDIC) [Doc. 4] and the Magistrate Judge’s Memorandum and Recommendation [Doc. 8] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On December 10, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 8]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 8], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that Defendant FDIC's Motion to Dismiss should be granted and that all claims asserted against Defendant FDIC should be dismissed.

With the dismissal of the FDIC, there is no longer a basis for the exercise of original jurisdiction in this matter. The Court, in the exercise of its discretion, declines to exercise supplemental jurisdiction over the remaining claims pending against the Bank of North Carolina and therefore will remand this case to the court from which it was removed. See 28 U.S.C. § 1367(c)(3).

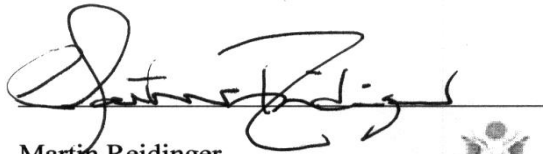
ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 8] is **ACCEPTED**, the Defendant FDIC's Motion to Dismiss [Doc. 4] is **GRANTED**, and all of the Plaintiffs' claims asserted against Defendant FDIC are hereby **DISMISSED**.

IT IS FURTHER ORDERED that this matter is hereby **REMANDED** to the General Court of Justice, Superior Court Division, of Transylvania County, North Carolina for further proceedings.

IT IS SO ORDERED.

Signed: January 8, 2014


Martin Reidinger
United States District Judge

